

## **ORDINANCE\_\_\_\_\_**

### **AN ORDINANCE GRANTING THE LOCAL FIRE OFFICIAL THE AUTHORITY TO PROHIBIT THE USE OF ANY IGNITION SOURCE, INCLUDING FIREWORKS, LIGHTERS, MATCHES, AND SMOKING MATERIALS WITHIN BRIGHAM CITY – AND PENALTY**

**Whereas**, local fire officials are authorized to enforce the state fire code, pursuant to Utah Code Annotated § 53-7-104; and

**Whereas**, local fire officials may prohibit the use of fireworks and other ignition sources when hazardous environmental conditions necessitate controlled use, pursuant to Utah Code Annotated § 15A-5-202(3)(b) which amends the 2009 International Fire Code; and

**Whereas**, the Governor of the State of Utah has recommended that Cities and Town consider banning certain fireworks, open fires and other potential sources of fire within areas of the City or Town.

**NOW THEREFORE, BE IT ORDAINED** by the City Council as follows:

#### **Section 1. PURPOSE**

This ordinance authorizes the Fire Chief as the local fire official for this municipality to prohibit open fires and the use of any ignition source, including fireworks, lighters, matches, and smoking materials, when hazardous environmental conditions necessitate controlling the use thereof.

#### **Section 2. DEFINITIONS**

“Hazardous environmental conditions” means extreme dryness or lack of moisture, windy conditions, the presence of dry weeds and other vegetation and any combination thereof.

“Ignition source” means fireworks, lighters, matches, smoking materials, and similar means used to ignite fire.

“Fireworks” shall have the same meaning as found in Title 53, Chapter 7 of the Utah Code.

### **Section 3. AUTHORITY OF LOCAL FIRE OFFICIAL TO ISSUE ORDERS**

The local fire official is hereby authorized to issue orders prohibiting open burning, open fires, the use of any ignition source, including fireworks, lighters, matches, and smoking materials in any area of the municipality when the local fire official determines that hazardous environmental conditions necessitate controlling or prohibiting the use thereof.

### **Section 4. AREAS AFFECTED**

The local fire official shall determine what areas are subject to prohibition and the extent of the prohibition and shall identify the same in a written order. The order may also include a map outlining affected areas.

### **Section 5. PUBLIC NOTICE**

The municipality shall immediately post copies of the written order of the local fire official in at least three public places within Brigham City; post a copy of the order on the official municipal website; inform all local news media outlets of the order and provide a copy of the order thereto.

### **Section 6. PENALTY**

Any person who intentionally or knowingly violates an order of the fire chief issued pursuant to this ordinance is guilty of a class B misdemeanor.

### **Section 7. ENFORCEMENT**

Every officer charged with enforcement of State and municipal laws within the jurisdiction of this municipality, including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.

### **Section 8. REPEAL AND SEVERABILITY**

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 9. EFFECTIVE DATE**

This ordinance shall become effective on July 1, 2012.

PASSED, ADOPTED AND ORDERED PUBLISHED by the Council of Brigham City, Utah  
this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor Dennis J. Fife

Attest:

\_\_\_\_\_  
City Recorder